

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Department LA 9

10/28/2008

Court Convened at: 0830AM

Honorable Commr Reva G. Goetz, Judge Pro Tem
none, Deputy Sheriff

G. Perez, Deputy Court Clerk
Tamara Vogl CSR #10186, Reporter

BP-109096 101 SPEARS, BRITNEY JEAN - TRUST

TRUST - OTHER

Petitioner(s): Taback, Ivan

Attorney(s): Byam, Clark R., Esq.

Continuance Number: 7 Continuance From: 9/25/2008 12:00:00AM

Last Date Changed: 10/27/2008 1:32:23PM

Last Note Changed By: SRILEY

Trust Proceedings
F. Nicole ✓ G. Wyle ✓
J. Cohen ✓ A. Wallet ✓
J. Wexler ✓ S. Ingham ✓
M. Ashby ✓

To clear probate notes "filed documents" must be submitted to Rm 258, within time frames set forth in Rule 10.3 of LASC Rules. You may contact the Probate Attorney whose E-Mail address appears at the end of these notes, subject to compliance with all conditions governing the use of Interactive E-Mail. E-mail Rules are available in Rm 258 and on the Court's web site at www.LASuperiorCourt.org.

PRIOR ORDERS: Cont to 10/28/08 <re JTD 2 & 3 at 830am. Parties stipulate to Judge Pro Tem. Geraldine Wyle & Jeryll S Cohen appear behalf of petnr James P Spears. Samuel D Ingham III, court appointed PVP, appears on behalf of Britney Spears. Andrew M Wallet appears on behalf of himself as co-conservator of the estate. Clark Bryan appears on behalf of Bryan Spears & Ivan Taback, co-trustees. Ivan Taback is present. \$9000 is approved for Brian Spears. An addl \$49,927.64 for fees and \$5,483.89 for cost are approved for the firm of Pruskauer Rose LLP for the services of Mr Taback. An addl \$17,686 for fees & \$16.50 for cost are approved for the firm of Hahn & Hahn, for the months of July & August, bring them current through to and including August 31, 2008.> 9/25/08 <1:30 p.m., Court and counsel confer in chambers, off the record as to Family Law attorney fees issue. All current orders to remain in full force and effect. Ex-Parte orders based on subject involving trade secrets, Parties stipulate to Judge Pro Tem> 09/16/08 < at 8:30a.m. Parties stipulate to judge pro tem. Court and counsel confer in chambers (off the record) **ON THE RECORD:** Fees to Brian Spears remains deferred. Wasser Cooperman & Carter shall receive an additional \$ 5035.00. This payment plus the retainer equals half of the account balance. Luce Forward Hamilton & Scripps, LLP shall receive \$ 100,000 on account. NO orders are made for fees due the Phillips Lerner Lauzon & Jamra, LLP because counsel Stacy Phillip is represented, and her counsel is not available today. Matter is continued to September 16, 2008 at 8:30 a.m., subject to counsel's availability. In the alternative, the next hearing will be set for August 27, 2008 at 1:30 p.m. By Wyle shall contact the clerk by August 18, 2008 to advise August 27, 2008 date will go forward. Court finds no reason for the Declaration submitted from Stacy Phillips to be sealed, although submitted conditionally under seal, and the document will be placed in the court file unsealed. The time for filing Declarations and Fee Petitions is extended to September 5, 2008. The document(s) shall be brought to department 9 after the filing fees are paid. >; 8/14/08 <at 1:30 p.m., Court and counsels confer in chambers, off the record, **ON THE RECORD:** Geraldine Wyle and Jeryll S. Cohen appear on behalf of petitioner James P. Spears. Samuel D. Ingham III, court appointed PVP, appears on behalf of Britney Spears. Andrew M. Wallet appears on behalf of himself as co-conservator of the estate. Clark Byam appears on behalf of Bryan Spears and Ivan Taback, co-trustee. Fees to Bryan Spears is reserved to the hearing set for August 14, 2008. \$75,000 shall be paid on account to Ivan Taback's firm. Parties stipulate to Judge Pro Tem>; 7/31/08 at 8:30 a.m. <Parties stipulate to Judge Pro Tem> 4/17/08 at 1:30 pm < The temporary orders made on 2/14/08 remains in full force and effect. The PVP appointment is expanded to include the trust proceedings per Probate Code 1470.; Counsel may file and set a Heggstad petition for April 17, 2008.; parties stipulate to Judge Pro Tem >; 3/10/08 at 1:30 pm D-9 < per M.O. dtd 2/14/08 > per order dated 2/14/08 Petnr & Bryan Spears were apptd as acting temp co-tees w/o bond & tee's powers limited as provided in that order

SUMMARY:

Petnr is named successor co-tee of IV trust dated 7/26/04
waivers of ntc by temp tees of estate Wallet and Spears filed
consents to act filed by petnr & Bryan Spears

RECOMMENDED DISPOSITION:

Order to be Prepared By:

Clerk: _____ Attorney: _____

RELATED ITEMS: BP108870 #102, 105-107

SPEARS, BRITNEY JEAN - TRUST

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redacted portion of trust attached

OTHER MATTERS: BP108870, Conservatorship

FACTS RE APPOINTMENT OF SUCCESSOR CO-TEES: trust dated 7/26/04 is revocable - trust provides that Britney is named trustee & if she resigns or otherwise ceases to act then Bryan Spears, Stacy Smith and Ivan Taback may act as successor co-tees (Stacy Smith has declined to act as co-tee)

Trust provides that if settlor/tee shall cease to act if she is under a legal disability or by reason of illness or mental or physical disability, in the written opinion of 2 doctors then practicing medicine, she is unable to manage her affairs

Petrns contends that as a result of crt orders entered re apptmt of temp consor for Britney that court has found that Britney has ceased to act as tee & successor co-tees should be apptd - PC 15643(e) provides that a vacancy in the office of tee exists upon apptmt of a consor of a tee

Trust waives bond for any trustee (Art. 6)

FACTS RE COMPENSATION FOR LEGAL SERVICES: Petnr is a resident of NY but is not licensed to practice law in CA - Petnr is a part with the firm of Proskauer Rose LLP & has offices in LA, CA - atty Mitchell M. Gaswirth assisted with preparation of trust & has been advising petnr since 2/1/08 - Petnr is seeking the right to dual compensation as required by PC 15687(a) - petnr desires to employ Proskauer as counsel for the period 2/1/08 thru 3/17/08 & will compensate firm according to its standard hourly rates for its svcs & reimb out-of-pocket exps - petnr believes employment of such counsel is necessary due to the complexity & sensitivity of issues presented & further, that attys are familiar w/ the trust & consorshp

MATTERS TO CLEAR:

- 30 days ntc given to Britney, settlor/bene - see CRC Title 7 Rule 7.51(b), PC 1214
- are there 2 doctors' statements stating Britney is unable to manage her affairs?
- no alleg re name & address of settlor
- are 2 trusts created under this instrument? Any intent to replace Lynne Spears as tee of trust created under para (1) of subdivision (d) of Art 3? supp required
- any restriction in trust instrument re pmt of dual compensation? supp required

RELIEF:

- JTD appt Petnr & Bryan Spears as successor co-tees
- JTD confirm that successor co-tees have all powers conferred by the trust under Art 7 except that: trustees must act only by unanimous consent; shall not sell or lease Britney's personal residence w/o prior Crt order; the situs of the trust shall not be changed & trust shall continue to be governed by CA law & property shall not be removed from CA during temp trusteeship

[Moot]

RECOMMENDED DISPOSITION:

Order to be Prepared By:

RELATED ITEMS: BP108870 #102, 105-107

Clerk: _____ Attorney: _____

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[Moot]

PA's COMMENTS: T/T re status o/w if continued, crt to continue auth of temp co-tees?

sriley@lasuperiorcourt.org sc vkd
SRR 3/10/08

MINUTE ORDER

<input type="checkbox"/> Granted	<input type="checkbox"/> Denied Without Prejudice	<input type="checkbox"/> Completed	<input checked="" type="checkbox"/> Continued to <u>12-22-08 @ 1:30pm</u>	<input type="checkbox"/> Submitted	<input type="checkbox"/> Off-calendar
<input type="checkbox"/> As Supplemented	<input type="checkbox"/> Person and Estate	<input type="checkbox"/> No Bond	<input type="checkbox"/> Bond of \$ _____ Additional	<input type="checkbox"/> Will and _____ Codicil(s) Admitted	
<input type="checkbox"/> Full/Limited/No IAEA	<input type="checkbox"/> Lacks Medical Capacity and Voting Capacity	<input type="checkbox"/> Fees Granted in the Amount of \$ _____	County/Estate		
<input type="checkbox"/> Dementia Powers Granted	<input type="checkbox"/> Medical and Placement	<input type="checkbox"/> PC 2351.5 powers granted	<input type="checkbox"/> Supplemental Probate Investigator/DCFS Report Ordered		
<input type="checkbox"/> Court has Read and Considered/Approved Report	<input type="checkbox"/> Parties stipulate to Judge Pro Tem- written	<input type="checkbox"/> Give Notice Waived	<input type="checkbox"/> Bond Exonerated		
<input type="checkbox"/> Court Investigation/DCFS/Regional Center Report is placed in the Confidential Envelope / is admitted into evidence as Court's Exhibit 1 and sealed	<input type="checkbox"/> Appearance of Minor(s)/counsel waived for next hearing	<input type="checkbox"/> No further review required			
<input type="checkbox"/> PVP/Attorney/Citee/Party Ordered Back/Discharged/As Prayed	<input type="checkbox"/> Re: if proof of deposit to a blocked account filed	<input type="checkbox"/> PVP Appointed/Remains/Discharged			
<input type="checkbox"/> New Citation to Issue/personal service					
<input type="checkbox"/> Confirmed for \$ _____, Commissions: _____, Title: _____					
<input type="checkbox"/> Time to Administer Estate // Special/Temporary Letters Extended/Granted to _____					
<input type="checkbox"/> Accounting to be filed by _____ and Set for Hearing on //Statue re: Accounting/Status Hearing is Set for _____					

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